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The Avenger Taking On Nixon & Company

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Morton Halperin was on the phone with a friend one day in 1970, talking about ways to get America out of Vietnam, when his wife picked up the extension in their Bethesda home.

"Be careful what you say," Ina Halperin said jokingly, "This phone is probably tapped."

The FBI agent snooping on the Halperins' line from his secret switchboard at Washington's Main Post Office dutifully transcribed the exchange in his log, adding an earnest parenthetical note. "*Ina is paranoid. She believes her phone is tapped.*"

Three years later, much to their shock and anger, the couple learned about the 21-month FBI surveillance of their phone ordered by former President Nixon and supposedly approved by Morton Halperin's then-boss at the National Security Council, Henry Kissinger.

It was a time of rampant paranoia in Washington, with shadowy enemies lurking – and leaking – behind every marble column, and Nixon had ordered taps on Halperin and 16 other government officials and newsmen in an effort to learn who was spilling foreign policy and defense secrets to the press.

"The FBI agents got to know us so well," recalls Halperin with an ironic smile, "that they referred to us in the logs as Mort and Ina. It must have been the dullest wiretapping they ever did."

Others may be willing to let Nixon and Kissinger fade away, without paying any penalty for their Watergate-era commissions and omissions, but the rumpled, unassuming Halperin is not. In one of the last controversies lingering from those scandalous days, Halperin is wading through the courts with lawsuits over the wiretapping against Nixon, Kissinger, H.R. Haldeman and former Attorney General John Mitchell, on behalf of himself, his ex-wife and their three sons.

This week, he moved a step closer to collecting as much as $1.2 million in damages from the former president and his men, and established for the first time that they may be held liable for violating a citizen's constitutional rights. (The Supreme Court split its vote on Monday, thus failing to settle the basic question of whether all presidents and their closest advisers are immune to such damages.)

"Neither Nixon nor Kissinger has been justly rewarded for his actions during Watergate," Halperin says, his voice edged with sarcasm. "This case is the last chance to call them to account."

Halperin fondly recalls that he was so suspect – probably because he had previously worked for Democrat Lyndon Johnson – that he was No. 8 on the administration's Enemies' List. "Next to my name they had written, 'A scandal would be helpful here.' All my friends laughed and said, 'Obviously they didn't know you if they thought they could get a scandal about you.'"

If Halperin seems an unlikely subversive, he is well suited to the role of avenger. Self-assured and scholarly, the 43-year-old Brooklyn native boasts a bulldog's patience when it comes to legal marathons. He affects a philosophical attitude toward his brush with fame and is quick to help people out at cocktail parties who know the name but can't quite connect the cause.

"I always get introduced as the man who sued Kissinger and Nixon," he shrugs. "It's interesting to gauge the mood of the country by how people react. Right after Nixon's pardon it was more fashionable to be angry with him. Then the mood swung and people were really angry about Kissinger getting off scot-free. Now Nixon is at a low point again."

He is mildly chagrined that his celebrity centers more on his two-year wiretap than on his 12 books on international policy and his sparkling academic and professional credentials. "As the fellow said who was tarred, feathered and run out of town, 'If it wasn't for the honor of it, I'd just as soon have walked.'"

Halperin has a Ph.D. in international relations from Yale and taught government at Harvard with Kissinger, who was once a friend but now treats his former aide with frosty indifference.

He says he learned a valuable – and witty – lesson about paranoia from Kissinger, a lesson that was brought home when he learned about the wiretapping. "Kissinger told me that when he was at Harvard he was constantly paranoid, but when he got to Washington it was impossible to be paranoid. That's because, by definition, paranoia is the *mistaken* impression that people are after you."

Since he left Kissinger and the National Security Council in 1969, he has focused his efforts on legal clashes between national security and civil liberties, first as a senior fellow at the Brookings Institute and now as the director of the Center for National Security Studies, a joint program of the American Civil Liberties Union and the Fund for Peace.

Indeed, he learned about his wiretap when he was working as a consultant for the Pentagon Papers court case. The information came out at that trial because the FBI had taped conversations of Daniel Ellsberg, a friend of Halperin's, on Halperin's phone.

So when he decided to sue, the personal crusade fit smoothly into his professional schedule. During the eight years he has been fighting Nixon and Company, he has also been helping to defend former CIA officials turned novelists against agency censorship, the Progressive Magazine in its fight to avoid government censorship of its hydro-

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